

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action of November 5, 2003 and the Decision on Appeal of September 8, 2005. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 were pending in this application. Claim 19 is canceled herein, without prejudice. The Applicants reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications. Claim 21 is added by this amendment. The claims are amended herein. Ample support for the claim amendments is found in the patent application as submitted, for example as found in FIG. 2 and in the accompanying description on page 9, line 1 through page 13, line 17.

Claims 1, 11, 15, 20, and 21 are independent claims.

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,999,214 to Inagaki ("Inagaki") in view of Pavlovic et al., "Integration of Audio/Visual Information for Use in Human-Computer Intelligent Interaction," Image Processing, 1997 Proceedings IEEE, page 121 ("Pavlovic"). It is the Applicants' position that the rejection of the claims is

obviated by the amendments to the claims above and the remarks that follow.

It seems uncontested that Inagaki shows a video conferencing system that detects a voice of a speaking attendee and highlights the PIP of the speaking attendee to distinguish the same from other attendees.

Turning then to Pavlovic, Pavlovic shows manipulation of a virtual object displayed on a screen by a user issuing a spoken command and gesture simultaneously (see, pg. 123, right column). As Pavlovic states on page 123 (emphasis provided), "the user utters the command 'select this', while simultaneously pointing at an object. To perform an object, the user utters a command such as 'move left' while simultaneously performing the 'move left' gestural action."

The Board of Patent Appeals and Interferences stated in the Decision on Appeal that "[i]f a processor requires data A and data B in order to make an analysis, it hardly matters, in our view, whether A and B are received simultaneously or at different times. The processor still cannot make the analysis until it has all the data necessary ... Thus, as disclosed and [previously] claimed, we find that the skilled artisan would have discerned no unobvious difference between receiving audio and visual data at different

times or simultaneously." (See, the Decision on Appeal, page 9, lines 12-20.) Nonetheless, the Board of Patent Appeals and Interferences recognized that "there may be some circumstances where some advantage may be gained by receiving data at different times, but, clearly, the instant specification and/or claims do not shed any light on what that might be." (See, the Decision on Appeal, page 9, lines 15-17.)

The Applicants respectfully submit that the claims as amended clarify what in fact the patentable distinction is between the current claims and Pavlovic. As recognized by the Applicants and stated in the specification of the patent application (emphasis provided), "[s]pecifically, this combination of the audio indication 142 followed by the gesture 144 helps prevent false activation of the system 100 in response to spurious background audio and gesture indications that may occur due to the users activity in and around the area where the system 100 is located." (See, patent application, page 8, lines 9-13.)

Accordingly, the device of Claim 1 is not anticipated or made obvious by the teachings of Inagaki in view of Pavlovic. For example, Inagaki in view of Pavlovic does disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "a processor operatively coupled to the display and configured to ... change a PIP display

characteristic in response to a received audio indication and a related gesture from a user, wherein the processor is configured to receive the related gesture from the user in response to the received audio command" as required by Claim 1. Clearly since in Pavlovic both the spoken command and the gesture are performed simultaneously (see discussion above), the processor of Pavlovic can not be said to receive the related gesture from the user in response to the received audio command as required by Claim 1.

Further, the method of Claim 11 is not anticipated or made obvious by the teachings of Inagaki in view of Pavlovic. For example, Inagaki in view of Pavlovic does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "receiving an audio indication from a user; determining whether the received audio indication is one of a plurality of expected audio indications; analyzing a gesture of the user in response to the received audio indication being one of the plurality of expected audio indications" as required by Claim 11.

Further still, the program of Claim 15 is not anticipated or made obvious by the teachings of Inagaki in view of Pavlovic. For example, Inagaki in view of Pavlovic does disclose or suggest, a program that amongst other patentable elements, comprises (illustrative emphasis provided) "a program segment for determining

whether a received audio indication is one of a plurality of stored audio indications; a program segment for analyzing a gesture of the user in response to the received audio indication being one of the plurality of stored audio indications" as required by Claim 15.

In addition, the device of Claim 20 is not anticipated or made obvious by the teachings of Inagaki in view of Pavlovic. For example, Inagaki in view of Pavlovic does disclose or suggest, a device that amongst other patentable elements, comprises a (illustrative emphasis provided) "processor ... configured to receive image information from the user in response to the audio indication being identified as an audio indication to change the PIP display characteristic" as required by Claim 20.

The method of Claim 21 also is not anticipated or made obvious by the teachings of Inagaki in view of Pavlovic. For example, Inagaki in view of Pavlovic does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "a program segment for determining whether a received audio indication is one of a plurality of stored audio indications; a program segment for receiving a gesture of the user in response to the received audio indication being one of the plurality of stored audio indications; and a program segment for providing an indication to the user in response to the gesture not being

identified as a gesture related to the received audio indication" as required by Claim 21.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1, 11, 15, 20, and 21 are patentable over Inagaki in view of Pavlovic and notice to this effect is earnestly solicited. Claims 2-10, 12-14, 16-18 respectively depend from one of Claims 1, 11, and 15 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims.

For example, Inagaki in view of Pavlovic does not disclose or suggest:

wherein the PIP display characteristic is a display size of the PIP, as required by Claim 2;

wherein the processor is configured to activate the camera to acquire images in response to the received audio command, and to identify the related gesture from the acquired images, as required by Claim 3;

the processor is configured to receive the related gesture from the user in response to the identified PIP related audio indication, as required by Claim 4;

the processor is configured to analyze image information received from the user in response to the audio indication to identify the change in the PIP display characteristic that is

expressed by the received gesture, as required by Claim 5; and a program segment for controlling receipt of a sequence of images in response to the received audio command, as required by Claim 16.

Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment since an equal number of independent claims were added as canceled. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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